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IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Teddy C. Johnson

Confirmation No.:

Application No.: 09/092,488

Examiner: Hyung Sub Sough

Filing Date: June 5, 1998

Group Art Unit: 2161

Title: HIGH PERFORMANCE SERVER DATA DELIVERY SYSTEM AND METHOD

COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Sir:

*MAR 29 2002*

TRANSMITTAL OF APPEAL BRIEF

RECEIVED

APR 02 2002

Technology Center 2100

Transmitted herewith in triplicate is the Appeal Brief in this application with respect to the Notice of Appeal filed on Jan. 31, 2002.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$310.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

( ) (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

( ) one month	\$110.00
( ) two months	\$400.00
( ) three months	\$920.00
( ) four months	\$1440.00

( ) The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$310.00. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25.

(X) A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,

Teddy C. Johnson

By Robert W. Nelson

Robert W. Nelson

Attorney/Agent for Applicant(s)  
Reg. No. 37,898

Date: March 29, 2002

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT  
APPEALS AND INTERFERENCES

RECEIVED

APR 02 2002

*Technology Center 2100*

In Re Application of:	)	
	)	
TEDDY C. JOHNSON	)	
	)	Group Art Unit 2161
Serial No.: 09/092,488	)	
	)	Examiner: Hyung Sub Sough
Filed: June 5, 1998	)	
	)	Attorney Docket 10980822-1
For: HIGH PERFORMANCE	)	
SERVER DATA DELIVERY	)	
SYSTEM AND METHOD	)	

### APPEAL BRIEF

BOX AF  
ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

Dear Sir:

This Appeal Brief is submitted in response to the Final rejection of the claims mailed November 19, 2001 (hereinafter "the final rejection"). A Notice of Appeal was mailed on January 31, 2002.

Docket No. 10980822-1

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**(1) REAL PARTY IN INTEREST**

The real party in interest in the above-referenced patent application is the assignee, HEWLETT PACKARD COMPANY, INC a corporation having its principal place of business in Palo Alto, California.

**(2) RELATED APPEALS AND INTERFERENCES**

There are currently no related appeals or interferences known to the appellant, the appellant's legal representatives or the assignee, which will directly affect, or be directly affected by, or have a bearing on, the Board's decision.

**(3) STATUS OF CLAIMS**

Claims 1-11 were originally filed with the application. Claims 12-19 were added by subsequent amendment. Claims 8-10 and 12-19 were withdrawn from consideration. Claims 1-3 and 6, 7, and 11 remain pending in the application. Claims 1-3 and 6, 7, and 11 stand rejected. The rejections of claims 1-3 and 6, 7, and 11 are appealed. A copy of the appealed claims appears in the appendix attached hereto.

**(4) STATUS OF AMENDMENTS**

No amendments were filed or entered subsequent to the final rejection mailed November 19, 2001.

**(5) SUMMARY OF THE INVENTION**

The appellant's invention, in one embodiment, is directed toward providing a secure system and method of downloading data to authorized customers over the Internet. This embodiment of the invention is explained in more detail at page 5, lines 7-18 of the appellant's specification, where the following is set forth:

The invention described herein provides a secure, high-throughput, scalable system and method of downloading software products and other data to authorized customers over the internet. The system uses separate machines for web server operations and ftp server operations in order to speed up performance. A secure mechanism for communicating between the two machines is used in order to properly stage the software for download. The secure mechanism utilizes a pair of client/server programs which use TCP (transmission control protocol), DES (data encryption standard), a filter to render the cypher string safe, and a secure method of passing DES keys.

The appellant's invention, as claimed, is further summarized and explained below with reference numerals, specification page numbers and drawing figure numbers indicating where support for the claims is found in the specification and drawing.

1. A system (30) for facilitating the transfer of data to authorized users (44) over the Internet, the system comprising:

    a plurality of host machines (32, 34) for running a plurality of processes, the plurality of host machines (32, 34) residing on an unsecured side of a firewall (52), the firewall (52) having a secured side and the unsecured side [Fig. 2; page 8, lines 16-18; page 13, lines 6-14];

    at least one secure communication link (36) between the plurality of host machines (32, 34) [Fig. 2; page 8, line 24 to page 9, line 3];

    a filing storage system (50) accessible by at least one of the plurality of host machines (32, 34), the filing storage system (50) having a storeroom area (40) and a customer account area (42), wherein the filing storage system (50) supports hard file links between the storeroom area (40) and the customer account area (42), the hard file links comprising pointers to files [Fig. 2; page 11, lines 20-22 and page 12, lines 18-22];

    at least one secured host machine (58) residing on the secured side of the firewall (52) [Fig. 2; page 13, lines 14-19]; and

a customer account database (56) located on the secured host machine (58) and accessible by at least one of the plurality of host machines (32, 34) across a second secure communication link (54) through the firewall (52) [Fig. 2; page 13, lines 14-19].

2. The system (30) of claim 1, wherein the at least one secure communication link (36) utilizes a protocol for the exchange of arbitrary sized packets of ascii data, delimited by carriage return and newline boundary markers [page 9, line 15 to page 10, line 3].

3. The system (30) of claim 2, wherein at least one secure communication link (36) utilizes DES encryption [page 10, lines 1-13].

6. The system (30) of claim 1, wherein the second secure communication link (54) through the firewall utilizes tobj protocol [page 13, lines 14-19].

7. The system (30) of claim 1, wherein at least one of the plurality of host machines (32, 34) runs a web server process and at least one separate one of the plurality of host machines (32, 34) runs an ftp server process, whereby a customer web browser (44) contacts the host machines [page 8, line 24 to page 9, line 6].

11. A system (30) for facilitating the transfer of data to authorized users over the Internet, the system (30) comprising:

a plurality of host machine means (32, 34) for running a plurality of processes [Fig. 2; page 8, lines 16-18];

at least one secure means (36) for communicating between the host machine means (32, 34, 58) [Fig. 2; page 8, line 24 to page 9, line 3];

file storage means (50) having a storeroom area (40) and a customer account area (42) with a means for securely hard linking between the areas, the hard linking comprising pointers to files [Fig. 2; page 11, lines 20-22 and page 12, lines 18-22];

firewall means (52) comprising a secured side and an unsecured side for providing security between the host machine means, with at least one secured host

machine means (58) residing on the secured side of the firewall (52) [Fig. 2; page 12, line 25 to page 13, line 5; page 13, lines 14-19];

means for databasing customer accounts located on the secured host machine means (58) and accessible by a secured means (54) for communicating through the firewall (52) [Fig. 2; page 13, lines 14-19].

#### **(6) ISSUE**

Whether claims 1-3, 6, 7, and 11 are unpatentable under 35 U.S.C. §103(a) over the disclosed prior art in view of Joffe et al. (U.S. 6,185,619) and Kawaguchi (U.S. 5,832,527).

#### **(7) GROUPING OF CLAIMS**

Claims 1 and 11 will stand or fall together for purposes of this appeal only.

Claims 2, 3, 6, and 7 are dependent on claim 1 and are independently patentable.

#### **(8) ARGUMENT**

##### **Relevant Law**

The test for obviousness under 35 U.S.C. 103 is whether the claimed invention would have been obvious to those skilled in the art in light of the knowledge made available by the reference or references. *In re Donovan*, 184 USPQ 414, 420, n. 3 (CCPA 1975). It requires consideration of the entirety of the disclosures of the references. *In re Rinehart*, 189 USPQ 143, 146 (CCPA 1976). All limitations of the claims must be considered. *In re Boe*, 184 USPQ 38, 40 (CCPA 1974). In making a determination as to obviousness, the references must be read without benefit of applicants' teachings. *In re Meng*, 181 USPQ 94, 97 (CCPA 1974). In addition, the propriety of a Section 103 rejection is to be determined by

whether the reference teachings appear to be sufficient for one of ordinary skill in the relevant art having the references before him to make the proposed substitution, combination, or other modifications. *In re Lintner*, 173 USPQ 560, 562 (CCPA 1972).

A basic mandate inherent in Section 103 is that a piecemeal reconstruction of prior art patents shall not be the basis for a holding of obviousness. It is impermissible within the framework of Section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. *In re Kamm*, 172 USPQ 298, 301-302 (CCPA 1972). Phrased somewhat differently, the fact that inventions of the references and of applicants may be directed to concepts for solving the same problem does not serve as a basis for arbitrarily choosing elements from references to attempt to fashion applicants' claimed invention. *In re Donovan*, 184 USPQ 414, 420 (CCPA 1975).

The requirements for combining references to form a Section 103 rejection were recently reiterated in *In re Sang Su Lee*, 227 F.3d 1338; 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002). The Court, citing *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed Cir. 2000) stated that:

particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.

*Id.* at 1343.

With reference to the matter on appeal in *In re Sang Su Lee*, the Court further stated, citing *In re Rouffet*, 149 F.3d 1350, 1359, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998):

even when the level of skill in the art is high, the Board must identify specifically the principle, known to one of ordinary skill, that suggest the claimed invention. In other words, the Board must explain the reasons one of ordinary skill in the art would have been motivated to select the

references and to combine them to render the claimed invention obvious.

*Id.* at 1343.

With regard to satisfying the burden of showing obviousness, the Court stated, citing *In re Fritch*, 972 F.2d 1260, 1265, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992):

the examiner can satisfy the burden of showing obviousness of the combination only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.

*Id.* at 1343.

With regard to the motivation to combine, the Court stated, citing *W.L. Gore v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 USPQ 303, 312-13 (fed. Cir. 1983):

This factual question of motivation is material to patentability, and could not be resolved on subjective belief and unknown authority. It is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to "[use] that which the inventor taught against its teacher."

*Id.* at 1343-44

In addition to the aforementioned case law, the MPEP also sets requirements for Section 103 rejections. For example, MPEP §2143 cites *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991), which states:

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure.

Therefore, the prior art must teach or suggest the claimed combination. This concept is reiterated in the MPEP §2143.01, which cites In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) and states:

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.

Thus, the prior art must suggest the desirability of the combination. This section of the MPEP also addresses the “well within the ordinary skill in the art” by stating:

A statement that modifications of the prior art to meet the claimed invention would have been “well within the ordinary skill of the art at the time the claimed invention was made” because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references.

## Argument

Claims 1-3, 6, 7, and 11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the disclosed prior art in view of Joffe et al. (U.S. 6,185,619) and Kawaguchi (U.S. 5,832,527).

### **Appellant's Claim 1**

Appellants' claim 1, as set forth above, recites the following:

A system for facilitating the transfer of data to authorized users over the Internet, the system comprising:

a plurality of host machines for running a plurality of processes, the plurality of host machines residing on an unsecured side of a firewall, the firewall having a secured side and the unsecured side;

at least one secure communication link between the plurality of host machines;

a filing storage system accessible by at least one of the plurality of host machines, the filing storage system having a storeroom area and a customer account area, wherein the filing storage system supports hard file links between the storeroom area and the customer account area, the hard file links comprising pointers to files;

at least one secured host machine residing on the secured side of the firewall; and

a customer account database located on the secured host machine and accessible by at least one of the plurality of host machines across a second secure communication link through the firewall.

Claim 1 was rejected in the final office action under 35 U.S.C. §103(a) by combining several different elements from different disclosures. More specifically, the rejection states that several elements of claim 1 are individually obvious in light of three references. The rejection also states that the combination of the references

do not disclose four elements of claim 1. The Appellant has shown that at least two other elements of claim 1 are not shown by the combination of references. The final office action only addressed the lack of disclosure by stating at pages 8 and 9 of the final rejection, that “the rejections are based on combinations of references and one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.” Aside from the Appellant not agreeing with this holding of the Examiner, as discussed in greater detail below, the Examiner has still failed to show all the elements of claim 1.

The Appellant argues that claim 1 is not obvious. One of the most prominent grounds to rebut the obviousness rejection is that there is no motivation to combine the different references cited in the final rejection. Another ground to rebut the obviousness rejection is that even if there was a motivation to combine the references, the combination does not disclose all the elements of claim 1. These rebuttal are explained individually in greater detail below.

#### NO MOTIVATION TO COMBINE

The Appellant contends that the Examiner has not provided some objective reason to combine the teachings of the references as required in the above-described case law and per the MPEP. Claim 1, per the preamble, is directed toward, “a system for facilitating the transfer of data to authorized users over the Internet.” According to the final office action, Joffe is directed toward solving “the problems of latency and bandwidth constraints. Further, according to the final office action, Kawaguchi is directed toward “a filing storage system (i.e., a file management system) that improves disk space efficiency, simplifies file management, and incorporates data to access stored objects.” The Appellant contends that these inventions are directed to much different objectives and that there is no motivation for a combination.

In response to the first office action, the Appellant requested that the Examiner provide the objective reason for the combination. In response, the final rejection states that, “it is not necessary that the prior art suggest the combination to achieve the same advantage or result discovered by the applicant.” Furthermore,

the final office action states that "there is no requirement that the prior art provide the same reason as the applicant to make the same invention." Final rejection, page 7.

The Appellant respectfully disagrees with the Examiner for several reasons. The Examiner has not shown any motivation to combine the cited references as required by *In re Sang Su Lee*, supra, part of which is replicated below for reference:

the examiner can satisfy the burden of showing obviousness of the combination only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.

The Examiner has not shown that teachings of the references would lead an individual to combine the references. As stated above, the only motivation is that Joffe is directed toward latency and bandwidth constraints and Kawaguchi is directed toward an improvement of a file management system. Neither suggests the elements of Appellant's claim 1.

The Appellant contends, as another ground, that the Examiner applied hindsight to make the aforementioned combination. Accordingly, the Examiner only learned of invention of claim 1 after having read claim 1. The Appellant contends that this is not allowed per, among other legal references, *In re Sang Su Lee*, part of which is replicated below for convenience:

This factual question of motivation is material to patentability, and could not be resolved on subjective belief and unknown authority. **It is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to "[use] that which the inventor taught against its teacher."**

(emphasis added)

## COMBINATION DOES NOT DISCLOSE ALL THE ELEMENTS OF CLAIM 1

In summary, the Appellant contends that six elements of claim 1 are not disclosed in the cited art. The Examiner has held that four of the six elements are not disclosed. The Appellant noted the other two to the Examiner, however, the Examiner has stated that raising such an issue is not a proper rebuttal for nonobviousness.

The Examiner has held that the following elements of claim 1 are not disclosed by the cited art:

- (1) a plurality of host machines for running a plurality of processes located on an unsecured side of a firewall.
- (2) at least one secure communication link between the plurality of host machines.
- (3) hard file links comprising pointers to files between the storeroom area and the customer account area.
- (4) at least one secured host machine located on the secured side of the firewall, wherein the secured host machine comprises a customer account database which is accessible by at least one of the plurality of host machines across a second secure communication link through the firewall.

With regard to item (1) described above, the Examiner relied on Joffe to disclose the use of a plurality of servers running a plurality of processes. Based on Joffe, the Examiner contended that "it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a plurality of host machines for running a plurality of processes." The reasoning for the use of Joffe by the Examiner is apparently to solve "the problems of latency and bandwidth constraints." However, this element of claim 1 is directed toward:

a plurality of host machines for running a plurality of processes, the plurality of host machines residing on an unsecured side of a firewall

This element of claim 1 is not disclosed in Joffe as suggested by the Examiner.

With regard to the cited art not disclosing the secure link element of item (2) described above, the Examiner has stated that "it is well-known and fundamental practice in the art to employ secure communication links (e.g. cryptography) to protect against unauthorized access, operation or use of any web site, server or network system." The Examiner concluded that "it would have been common sense to use secure communication links to any web site, server network including the host machines as claimed as desired." However, the Examiner has stated that the cited references to not disclose this element. Per the holding in *In re Sang Su Lee*:

particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed.

When the holding of *In re Sang Su Lee* is applied to this element of claim 1, the Examiner must make particular findings as to the reason the skilled artisan, with no knowledge of claim 1 would have provided "at least one secure communication link between the plurality of host machines" wherein "the plurality of host machines residing on an unsecured side of a firewall" as claimed in claim 1. The Appellant contends that the Examiner has not done so.

With regard to the cited art not disclosing the hard file links comprising pointers to files between the storeroom area and the customer account area of item (3) above, the Appellant respectfully disagrees with the Examiner. The Examiner stated that "Kawaguchi teaches the use of a hard link having a pointer to provide a file management system that improves disk space efficiency, simplifies file management, and incorporates data to access stored objects." The Examiner concluded that "it would have been within a level of ordinary skill in the art to modify the disclosed prior art by adopting the teaching of Kawaguchi to provide a filing storage system that improves disk space efficiency, simplifies file management, and incorporates data to access stored objects."

The Appellant reiterates that Kawaguchi is in no way related to facilitating the transfer of data over the Internet as claimed in claim 1. Kawaguchi is solely related to file management systems and, more specifically, to file management systems of discs. The Examiner has not described how Kawaguchi is related to this element of claim 1, which is replicated below for convenience:

a filing storage system accessible by at least one of the plurality of host machines, the filing storage system having a storeroom area and a customer account area, wherein the filing storage system supports hard file links between the storeroom area and the customer account area, the hard file links comprising pointers to files

The Appellant contends that the combination does not disclose this element of claim 1 nor does the combination render claim 1 obvious.

With regard to the cited art not disclosing the secured host machine of item (4) above, the Appellant respectfully disagrees with the Examiner. The Examiner has stated that "it would have been within the level of ordinary skill in the art at the time the invention was made to employ a separate host machine for a customer account database since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art." The Examiner, however, has not described the host machine as configured in claim 1 as an integral structure. Accordingly, the Examiner cannot reject claim 1 on this ground because a reference disclosing an integral structure having the elements of claim 1 has not been produced.

With regard to the customer account database being located on the secured host machine, the Examiner again stated that "it would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the host machine having the customer account database at any desirable location to enhance the security of the customer account database." The Examiner further stated that "it has been held that rearranging parts of an invention involves only routine skill in the art."

In response to the first office action, the Appellant requested that the Examiner provide the prior art from which claim 1 was rearranged. The Examiner has not provided any prior art based on this element of claim 1. Rather, the Examiner has stated that obviousness is based on the reasons stated above and that “the obviousness of rearranging the elements (i.e., to locate the host machine having the customer account database at any desirable location including the claimed location to enhance the security of the customer account database) is based on the legal decision (i.e., *In re Japikse*, 86 USPQ 70). The Examiner has further stated that per MPEP §2144, if the facts in a prior legal decision are sufficiently similar to those in an application, the examiner may use the rationale used by the court.

The final rejection is not clear as to the interpretation of this rejection. The Appellant assumes that the Examiner means that if the facts of a previous holding of a case are similar to the present application, the Examiner may use the holding of the case in forming a rejection. Assuming this interpretation, the Appellant notes that *In re Japikse* was decided in 1950 and is based on an application for a hydraulic power press and has nothing to do with the transfer of data as claimed in claim 1. The Examiner also cited *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) in this response. The Appellant notes that the subject matter of *In re Kuhle* is directed toward an instrument probe and not toward the transfer of data as claimed in claim 1. Accordingly, the Examiner has not cited any case wherein the facts are similar to those of claim 1 so as to rely on the legal decision per MPEP §2144.

The Appellant is not aware of how MPEP §2144 can be applied in any other interpretation as both *In re Japikse* and *In re Kuhle* are directed toward technical analysis of the Board and neither offer any legal precedent.

## Other Missing Elements of Claim 1

In addition to the arguments made above, the Appellant notes that the references cited by the Examiner do not disclose other elements of claim 1. For example, none of the references disclose:

the filing storage system having a storeroom area and a customer account area, wherein the filing storage system supports hard file links between the storeroom area and the customer account area, the hard file links comprising pointers to files.

Likewise, none of the references cited by the Examiner disclose:

a customer account database located on the secured host machine and accessible by at least one of the plurality of host machines across a second secure communication link through the firewall.

The lack of disclosure of these elements was raised in the response to the first office action. In response, the Examiner has stated, "the rejections are based on combinations of references and one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references.

The Appellant reiterates that none of the references disclose the aforementioned elements of claim 1. Accordingly, the Appellant can attack nonobviousness based on the failure to disclose all the elements of the claim.

For the reasons stated above, the Appellant contends that the Examiner's rejection of claim 1 under 35 U.S.C. §103(a) is not proper and respectfully requests that claim 1 be allowed.

## **Appellant's Claims 2, 3, and 6**

Claim 2 is dependent on claim 1 and is directed toward:

The system of claim 1, wherein the at least one secure communication link utilizes a protocol for the exchange of arbitrary sized packets of ascii data, delimited by carriage return and newline boundary markers.

Claim 3 is dependent on claim 2 and is directed toward:

The system of claim 2, wherein at least one secure communication link utilizes DES encryption.

Claim 6 is dependent on claim 1 and is directed toward:

The system of claim 1, wherein the second secure communication link through the firewall utilizes tobj protocol.

Claims 2, 3, and 6 are ultimately dependent on claim 1 and are directed to various protocols and encryption used by the elements of claim 1. The claims were originally rejected because the Examiner stated that the use of different protocols is obvious. In response to the first office action, the Appellant requested that the Examiner provide some reference of the elements of claims 2, 3, and 6, which includes the elements of claim 1.

In the final rejection, the Examiner has not provided the requested references. The Examiner has stated at page 5 of the final rejection that none of the cited art discloses the protocols and encryption of claims 2, 3, and 6 and that their use is "well-known." The Appellant contends that the Examiner has failed to meet the criteria for rejections under 35 U.S.C. §103(a) as set forth in the argument of claim 1 and that the rejections are improper.

Alternatively, claims 2, 3, and 6 are believed allowable by way of their dependence on claim 1.

For the reasons stated above, the Appellant contends that the Examiner's rejections of claims 2, 3, and 6 under 35 U.S.C. §103(a) were not proper and requests that the claims be allowed.

### **Appellant's Claim 7**

Claim 7 is dependent on claim 1 and is directed toward:

The system of claim 1, wherein at least one of the plurality of host machines runs a web server process and at least one separate one of the plurality of host machines runs an ftp server process, whereby a customer web browser contacts the host machines.

The Appellant contends that the cited art does not disclose the elements of claim 7. In response to the first office action, the Appellant requested that the Examiner provide prior art to disclose the elements of claim 7 if the rejection was going to be maintained.

In response, the Examiner at page 9 of the final rejection simply stated that "applicant's attention is directed to the fact that the rejection is under 35 U.S.C. §103 which is used for a rejection when there is no single reference that suggests or discloses all the elements claimed." The Examiner further stated that the Appellant's request is moot.

The Appellant reiterates the arguments made with respect to claim 1. The Examiner has not provided references that disclose the elements of claim 7, even upon the request of the Appellant. Therefore, the Appellant contends that the rejection of claim 7 is not proper.

In the alternative, the Appellant contends that claim 7 is allowable by way of its dependence on claim 1.

For the reasons stated above, the Appellant contends that the Examiner's rejection of claim 7 under 35 U.S.C. §103(a) was not proper and requests that the claim be allowed.

With regard to claim 11, the Appellant has stated that, solely for the purposes of this appeal, claim 11 stands or falls with claim 1. All arguments made with respect to claim 1 apply to the rejection of claim 11.

All of the pending claims are believed to be allowable and all of the rejections should be reversed.

Respectfully submitted,

KLAAS, LAW, O'MEARA & MALKIN, P.C.

March 29, 2002

By:

  
\_\_\_\_\_  
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(9) APPENDIX

1. A system for facilitating the transfer of data to authorized users over the Internet, the system comprising:

    a plurality of host machines for running a plurality of processes, the plurality of host machines residing on an unsecured side of a firewall, the firewall having a secured side and the unsecured side;

    at least one secure communication link between the plurality of host machines;

    a filing storage system accessible by at least one of the plurality of host machines, the filing storage system having a storeroom area and a customer account area, wherein the filing storage system supports hard file links between the storeroom area and the customer account area, the hard file links comprising pointers to files;

    at least one secured host machine residing on the secured side of the firewall; and

    a customer account database located on the secured host machine and accessible by at least one of the plurality of host machines across a second secure communication link through the firewall.

2. The system of claim 1, wherein the at least one secure communication link utilizes a protocol for the exchange of arbitrary sized packets of ascii data, delimited by carriage return and newline boundary markers.

3. The system of claim 2, wherein at least one secure communication link utilizes DES encryption.

6. The system of claim 1, wherein the second secure communication link through the firewall utilizes tobj protocol.

7. The system of claim 1, wherein at least one of the plurality of host machines runs a web server process and at least one separate one of the plurality of host machines runs an ftp server process, whereby a customer web browser contacts the host machines.

11. A system for facilitating the transfer of data to authorized users over the Internet, the system comprising:

    a plurality of host machine means for running a plurality of processes;  
    at least one secure means (36) for communicating between the host machine means;

    file storage means having a storeroom area and a customer account area with a means for securely hard linking between the areas, the hard linking comprising pointers to files;

    firewall means comprising a secured side and an unsecured side for providing security between the host machine means, with at least one secured host machine means residing on the secured side of the firewall;

    means for databasing customer accounts located on the secured host machine means and accessible by a secured means for communicating through the

firewall (52).